



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR PUBLIC HEALTH
OFFICE OF ENVIRONMENTAL HEALTH SERVICES

Bob Wise
Governor

Paul L. Nusbaum
Secretary

June 29, 2004

Acquanetta Delaney
US EPA Office of Compliance
Mailcode 2224A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: West Virginia
2003 PWS Annual Compliance Report

Dear Ms. Delaney:

Enclosed is a copy of West Virginia's Annual Compliance Report for the period January 1, 2003 through December 31, 2003 which contains our letter, violation list for each public water system who received a violation in 2003, Appendices A - D. All documents are in Word format. If you need our report in any other format, please let us know.

If you have any questions, please feel free to contact me at 304-558-6742 or via e-mail at davidstewart@wvdhhr.org.

Sincerely,

David A. Stewart

David A. Stewart
Environmental Resource Specialist
Regulatory Development & Compliance Unit

/das

Enclosure

pc: Matt Corson, ASDWA
Debbie Qualls, AWWA
Wanda F. Johnson, WV Program Manager, EPA-Region III
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West Virginia 2003 Annual Report

Introduction

The state of West Virginia was granted authority for implementation of the Safe Drinking Water Act (SDWA) by the United States Environmental Protection Agency (US EPA) in 1976. Primacy is housed in the Department of Human Services, Bureau for Public Health, Office of Environmental Health Services, Division of Environmental Engineering. Oversight for the program is housed in the Charleston Office of the Division with services provided through the five district offices located throughout the state as shown in Appendix D.

Annual Compliance Report

The WV Bureau for Public Health maintains information of all reported public water supply program data and submits information to the US EPA on a quarterly basis. Data includes inventory information, Maximum Contaminant Level (MCL), Monitoring/Reporting (M/R) and Treatment Technique (TT) violations. This annual report includes a compilation of the violations for each of the four categories according to each water system and Violation Tables, Appendix B.

Definitions

Public Water System - A public water supply system is defined by the SDWA as any water supply or system that regularly supplies or offers to supply water for human consumption through pipes or other constructed conveyances, if serving at least an average of twenty-five individuals per day for at least sixty days per year. Systems are classified as "community" (towns, cities or mobile home parks), "non-community non-transient" (factories or schools) or "transient non-community" (parks, restaurants).

Maximum Contaminant Level (MCL) - Under the SDWA, national limits on the allowable contaminant levels in drinking water have been established to ensure that the water is safe for human consumption. Values for specific contaminants are shown in Appendix C.

Treatment Techniques (TT) - For some regulations specific treatment techniques have been developed in lieu of MCLs to control levels of certain contaminants. For example, treatment techniques have been developed for the control of viruses, bacteria, cysts and turbidity.

Monitoring - Public water systems are required to perform monitoring to verify that the levels of contaminants present in the drinking water do not exceed MCLs. If a public water system fails to have the required monitoring performed or fails to report the test results, an M/R violation occurs.

Significant Monitoring Violations - For this report, a significant monitoring violation is defined as any major monitoring violation that occurred in 2003. A major monitoring violation (with the exception of the Surface Water Treatment Rule) occurs when no water samples were collected or no analytical results were reported during a particular compliance period. A major Surface Water Treatment Rule M/R occurs when fewer than 10 percent of the required samples are taken or no results reported during a reporting period. A minor violation occurs when some, but not all the required samples are taken.

Drinking Water Program Initiatives

In addition to enforcement of the federally mandated MCLs, treatment techniques and monitoring requirements, the WV Bureau for Public Health has developed a number of additional program elements to assist and assure that the drinking water distributed by the state's approximately 570 community and 803 non-community water systems meet all requirements of the Act. These programs include the following:

Operator Training - The state program for requiring certified water treatment plant operators is one of the oldest in the nation. The training and certification activities provide training and demonstration that the individuals operating water systems have the basic knowledge of water treatment concepts and regulatory requirements.

Technical Assistance - A staff of engineers, engineering technicians and sanitarians located in five district offices is available to provide technical assistance to the water systems to solve a myriad of problems including water quality, source protection, treatment and distribution. Locations of the district offices and the areas they serve are shown on Appendix D.

Sanitary Surveys and Inspections - Program staff conducts annual inspections of each community public water supply treatment plant as necessary. Comprehensive sanitary surveys are conducted for all community surface and groundwater-under-the-influence water systems every three years, all community groundwater and purchase systems and non-community surface and groundwater-under-the-influence systems every five years, and non-community ground and purchase systems every ten years. Upon completion of the inspection or survey, a report is prepared and sent to the system outlining the findings, conclusions, and recommendations. Systems found to have significant sanitary deficiencies during the sanitary surveys are mandated to respond in writing within forty-five days describing what measures they plan to implement to correct the deficiencies.

Source Water Protection Program - The West Virginia's Source Water Assessment and Protection (SWAP) Program, an innovative program to protect West Virginia Streams, rivers, lakes, reservoirs, and ground waters used for public drinking water from future contamination. Building on existing environmental assessment and protection programs, the SWAP Program identifies drinking water source protection areas and provides information on how to reduce the potential for contaminating the waters within those areas. By focusing assessment and protection efforts on source waters, the hope is to ensure long-term availability of an abundant supply of safe drinking water for existing and future citizens of West Virginia.

Source water protection for public water systems using ground water is referred to as wellhead protection, established to protect public ground water supply systems from contamination. The program assists the local Public Water System with identifying and managing all potential sources of contamination within a designated area surrounding municipal drinking

water wells. The designated wellhead protection area is the land area that allows water from the surface to recharge the underground well aquifer. The management program includes primarily local and county, but also state, regulatory programs, as well as education and public information outreach.

Ground Water under the Direct Influence of Surface Water - This program uses on site data and technical evaluations, determines whether or not a public water supply system using a ground water source (e.g. Well) is influenced by surface water. If so, the system must meet more rigorous regulatory requirements.

Enforcement - The state has developed an escalated enforcement program that can issue administrative orders and levy administrative penalty fines to assure compliance. Often enforcement is performed in conjunction with local courts, US EPA and US Justice Department.

Plan Review - Any improvements made to a public water system must be approved prior to construction. This includes source development, treatment concepts and distribution system. To obtain a permit, plans, specifications and supporting documentation must be submitted for review and approval. Issuance of a permit assures that when the facility improvements are completed, the system will meet all minimum standards.

Capacity Development - During the 1999 legislature, we passed legislative rules that require systems to demonstrate technical, managerial and financial capacity to operate as a viable entity. A new water system must be able to demonstrate technical, managerial and financial capacity. The Capacity Development strategy received approval September 27, 2000 from the U.S. EPA. Our Capacity Development staff evaluates new and existing systems to determine their financial, management and technical capabilities. The Capacity Development staff makes recommendations and provides assistance to the systems for improvements.

Drinking Water Treatment Revolving Fund (DWTRF) - The state drinking water revolving loan program resides in the department. From the first two grants awarded by the U.S. EPA, the DWTRF program has made financial commitment to twenty-one (21) projects. Fifteen (15) projects have completed construction, and six (6) projects are currently under construction. The remaining projects are still in the design phase. The DWTRF funds for these projects have exceeded \$29.9 million. The total infrastructure improvements for these twenty-one (21) projects exceed \$72 million of construction including contributions from other funding sources. The program has applied for the next capitalization grant from the U.S. EPA.

Conclusion

With the implementation of these programs, the state of West Virginia has relatively few MCL violations. While the number of M/R violations is significantly higher, they occur in the small systems that serve a relative minor portion of the state population. The Environmental Engineering Division goal is to continue to work with these community systems to eliminate the MCL violations and minimize M/R violations. This will be accomplished with a combination of technical assistance, education and possible consolidation of these smaller systems into larger, regional systems that have more capacity and can financially, technically and managerially operate a system meeting the requirements of the SDWA.